



U.S. Department of Justice

Office of the Inspector General

September 26, 2016

Mr. Jermaine D. Scott
jscott@epic.org

Subject: Freedom of Information/Privacy Act Request [16-OIG-029]

Dear Mr. Scott:

This is our second response to your request under the Freedom of Information Act (FOIA) for access to records maintained by the Office of the Inspector General (OIG). Specifically, you seek the “Title Pages, Tables of Contents, and Executive Summaries of each final, non-public Inspector General report created since January 1, 2005[.]”

The OIG located documents responsive to your request. In regard to the requested records for OIG external audit reports, it has been determined that the enclosed documents are appropriate for release without excision. For the purposes of this production, one grant report, Audit Report GR-80-08-003, previously protected and marked as “Limited Official Use – Law Enforcement Sensitive,” was reviewed and determined to be releasable and therefore OIG has intentionally struck out the now-inapplicable protective markings.

Your request also encompasses the OIG’s annual Federal Information Security Management Act (FISMA) reports prepared in accordance with 44 U.S.C. § 3555. Such reports are protected from release pursuant to 44 U.S.C. § 3555(f). For that reason, the OIG does not publicly release FISMA reports, and the content of such reports is exempt from disclosure pursuant to the FOIA, 5 U.S.C. §552(b)(3). To the extent that such reports involve reviews of national security information systems or law enforcement information systems, the reports are also exempt from disclosure pursuant to the FOIA, 5 U.S.C. §§552(b)(1) and (7)(C), respectively. Accordingly, the OIG asserts these exemptions with respect to your request for executive summaries of OIG FISMA reports. Reasonably foreseeable harm of the nature protected by these exemptions would result from production of the executive summaries.

The OIG provides information in its semiannual reports to Congress about the systems reviewed each period pursuant to FISMA. Enclosed is a list of OIG FISMA reports completed since January 1, 2005. Also enclosed is an example of a standard title page and the standard table of contents for all OIG FISMA reports.

With production of the enclosed records, the OIG has completed its response to your request.

If you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001, or you may submit an appeal through OIP's FOIAonline portal by creating an account on the following web site: <https://foiaonline.regulations.gov/foia/action/public/home>. Your appeal must be postmarked or electronically transmitted within 60 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c) (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

Sincerely,



Deborah M. Waller

Government Information Specialist
Office of the General Counsel

Enclosure